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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,073	08/10/2001	James D. O'Brien JR.	12128-129001	7346

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EXAMINER

KWOH, JASPER C

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 08/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/928,073

Applicant(s)

O'BRIEN, JAMES D.

Examiner

Jasper Kwoh

Art Unit

2663



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 31-36 is/are rejected.
- 7) ☒ Claim(s) 29,30 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The formal drawings were received on 8/10/01. These drawings are acceptable.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 7-10, 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gilbert et al.

Regarding claims 1 and 8, Gilbert et al. discloses a method and article comprising attempting to authorize a call (i.e. col. 9, ll. 57-67, public server authorizes the card information and PIN to determine if call should be made); routing the call after the call is authorized, to a remote location (i.e. col. 10, ll. 3-5, after call session is initiated, call request is sent from the LAN to the VSP which is a physical node in the signaling network separate from the data path); and setting up call signaling at the remote location between the user and a destination of the call (i.e. col. 10, 5-15, VSP controls signaling of call) so that media content of the call flows between the user and the destination but not through the remote location (i.e. PBX 82 and SP/SSP 84

connects directly through the ISDN trunk group 86 while the signaling is connected though path 89).

Regarding claim 2 and 9, Gilbert et al. discloses a method, article and system comprising, collecting information related to user to be used in authorizing (i.e. col. 5, ll. 27-29, IVR is connected to the public server to interface for authorization).

Regarding claim 3 and 10, configured to validate the destination (i.e. fig. 6a, 6b, col. 10, ll. 53-55, VSP is programmed to indicate is call is connected or if attempt is unsuccessful).

Regarding claims 4, and 11, Gilbert et al. discloses tracking calling card usage (i.e. col. 9, l. 1-8, billing are handled by the network).

Regarding claims 5 and 12, Gilbert et al. discloses streaming media content from the user to the destination (i.e. fig. 5, call information is sent from user 94 to destination 106 though path 86).

Regarding claims 7, 14 Gilbert et al. discloses the call signaling uses a session initiation protocol (i.e. col. 8, ll. 27-29, IVR and VSP sends TCP/IP messages for registration).

4. Claims 6, 13, 15-16, 18 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Sitaraman et al.

5. Regarding claim 15, Sitaraman et al. discloses a system comprising an authorization mechanism (i.e. fig. 7, 56, authorization is done by the call agent); a proxy server (i.e. fig. 7, 48, AAA proxy service) to route call to a remote server (i.e. fig. 7, 56 gateway) at a location remote from the authorization mechanism (i.e. fig. 7, call agent is

in POP and server is in ISPA) and configured to set up call signaling between the user and destination of the call so that media content of the call flows between the user and the destination but not through the location (i.e. col. 7, ll. 2-9, telephony providers data network using RADIUS type access form a direct RTP stream with gateway. Signaling functions are performed by call agent for the gateway).

Regarding claim 16, Sitaraman et al. discloses inbound mechanism configured to receive call and to communicate with authorization mechanism (i.e. fig. 7, 42 user is configured to receive call and communicate with authorization mechanism).

Regarding claim 18, Sitaraman et al. discloses VoIP (i.e. fig. 5, col. 5, ll. 2-3, user uses VoIP; fig 1, shows there are plurality of users).

Regarding claim 21, Sitaraman et al. discloses a gateway stream media content from the user and to the destination after the remote server sets up the call signaling (i.e. col. 7, ll. 6-12, after signaling is done by the call agent and call is set up, direct RTP can be formed).

Regarding claims 6, 13 and 22, Sitaraman et al. discloses using H.323 (i.e. col. 6, ll. 45).

Regarding claim 23, Sitaraman et al. discloses the proxy server using session initiation protocol (i.e. col. 4, ll. 45-47, the proxy server could use RADIUS protocol).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 17, 19-20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitaraman et al. in view of Adler et al.

Regarding claim 17, Sitaraman et al. discloses call agent or intelligent server (i.e. fig. 8, 60) but does not specifically disclose an IVR to collect information for authorizing. However, Adler et al. teaches using interactive voice response mechanism (i.e. col. 8, ll. 16-18, a vendor server such as OSP or ACS, which could be functionally equivalent to IVR to collect authorization information). Therefore, it would have been obvious to use an IVR with the call agent to collect the required information in order to allow the user to make a call by listening and speaking to the server.

Regarding claims 20 and 24, Sitaraman et al. does not specifically disclose tracking calling card usage at a remote server and using calling cards. Adler et al. teaches tracking calling card usage and using calling cards (i.e. fig. 3, 322; col. 3, ll. 45-47, server keeps billing information of the used calling cards and at a remote location). It would have been obvious to an ordinary person skilled in the art at the time of the invention to include the tracking at a remote location in order to allow user to have convenient way to see how much time remains and the card.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sitaraman in view of Iwama et al.

Regarding claim 19, Sitaraman et al. does not specifically disclose the remote server verifies the destination. However, Iwama et al. discloses that the gatekeeper monitor each device to see if its out of service (i.e. fig. 20, S1302). It would have been

obvious to an ordinary person skilled in the art at the time of the invention to include monitor to verify the destination device as being functional as taught by Iwama et al. with the system of Sitaraman et al. in order to not set up a call and have it be not functional.

9. Claims 25-28 and 31-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwama et al. in view of Sitaraman et al.

Regarding claim 25, Iwama et al. discloses an inbound gateway (i.e. fig. 1, 102-a, gateway); an outbound gateway (i.e. fig. 1, 102-b, gateway); and a server mechanism (i.e. fig. 1, 101, gatekeeper) to set up call signaling with inbound and outbound gateway to instruct inbound and outbound gateway to stream media content to the VoIP call to each other (i.e. fig. 2, col. 8, ll. 17-37, signaling is passed from gateways and call can be established). Iwama et al. does not specifically disclose a gathering mechanism, authenticating mechanism and stream the content after authentication. However, Sitaraman et al. teaches a gathering mechanism (i.e. fig. 7, 46, col. 6, ll. 48-50, call agent), authenticating mechanism (i.e. fig. 7, 48, AAA proxy server can include authenticate, authorize, and accounting service functions) and stream the content after authentication (i.e. col. 7, ll. 4-11, after the user is authorized, PSTN gateway forms direct RTP stream with PSTN gateway and other gateway 56). Therefore, it would have been obvious to an ordinary person skilled in the art at the time of the invention to include a gathering mechanism, authenticating mechanism and stream the content after authentication as taught by Sitaraman et al. with the system of Iwama et al. in order to allow only authorized users to use the system.

Regarding claim 26, Iwama et al. discloses an inbound network (i.e. fig. 1, 109-a, ZONE1) with inbound gateway (i.e. fig. 1, 102a) and gathering mechanism (i.e. fig. 1, 101-a) and outbound gateway at a remote location (i.e. fig. 1, 102b at ZONE2).

Regarding claim 27, Iwama et al. does not specifically disclose authentication mechanism. However, Sitaraman et al. teaches the use of authentication mechanism (i.e. fig. 7, 48).

Regarding claim 28, Iwama et al. does not specifically disclose customer network at a remote location. However, Sitaraman et al. teaches the customer network is at a remote location (i.e. fig. 7, 40 is remote of gateways).

Regarding claim 31, Iwama et al. does not specifically disclose and IVR to gather information. Official notice is taken that using IVR to collect information is old and well known

Regarding claim 32, Iwama et al. does not specifically disclose a radius server. However, Sitaraman et al. teaches that the server could use RADIUS protocol (i.e. col. 2, 41-44). Therefore, it would have been obvious to an ordinary person skilled in the art at the time of the invention to include RADIUS server as taught by Sitaraman et al. with the system of Iwama et al. in order for the servers to be backward compatible and radius proxy servers are most deployed.

Regarding claim 33, Iwama et al. discloses server mechanism maintains control while gateways are streaming (i.e. fig. 2, the gatekeeper controls signaling both setting up and tearing down so it is in control of the call).

Regarding claims 34-35, Iwama et al. discloses H.323 and SIP (i.e. col. 7, ll.45-48).

10. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwama et al. in view of Sitaraman et al. as applied to claim 25 above, and further in view of Adler et al.

Regarding claim 36, Iwama et al. does not specifically disclose calling cards for use with VoIP. Adler et al. teaches using calling cards (i.e. fig. 2, 202). Therefore, it would have been obvious to an ordinary person skilled in the art at the time of the invention to include using a calling card as taught by Adler et al. with the system of Iwama et al. in order to increase convenience by allowing making calls without having to carry cash or call collect.

Allowable Subject Matter

11. Claims 29-30 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasper Kwoh whose telephone number is (703) 305-0101. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703)308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

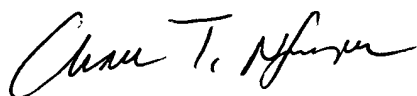
Art Unit: 2663

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.



JK

Jasper Kwoh
Examiner
Art Unit 2663



CHAU NGUYEN
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